

House Bill 551

By: Representative Wilkinson of the 52nd

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in Government Act," so as to change certain provisions regarding filing campaign disclosure reports and financial disclosure reports; to clarify the application of criminal law to knowing and willful falsification in an electronic filing; to eliminate duplicate copy filing of certain disclosure reports with county election superintendents; to provide that electronic filing shall constitute an affirmation that a report is true, complete, and correct and that no written affirmation shall be required for electronic filings; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in Government Act," is amended by adding a new Code section to read as follows:

"21-5-9.1.

(a) When any provision of this chapter provides that the making of an electronic filing constitutes an affirmation that the filing is true, complete, and correct, any person who knowingly and willfully makes or causes to be made a false, fictitious, or fraudulent statement, report, or representation in such electronic filing shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

(b) It is the intention of this Code section to adopt the existing body of law under Code Section 16-10-20 and to clearly and expressly provide that falsification in an electronic filing under this chapter is equivalent to falsification in a document under that Code section. This Code section shall not be construed to imply that Code Section 16-10-20 does not apply to electronic transactions in other contexts."

SECTION 2.

Said chapter is further amended by revising subparagraph (a)(1)(A) and the introductory language of subsection (e) of Code Section 21-5-34, relating to disclosure reports, as follows:

"(a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee organized to bring about the nomination or election of a candidate for any office, except county and municipal offices, ~~or the General Assembly~~ and the chairperson or treasurer of every campaign committee designed to bring about the recall of a public officer or to oppose the recall of a public officer or designed to bring about the approval or rejection by the voters of any proposed constitutional amendment, state-wide proposed question, or state-wide referendum shall sign and file with the commission the required campaign contribution disclosure reports. ~~A candidate for membership in the General Assembly or the chairperson or treasurer of such candidate's campaign committee shall file such candidate's reports with the commission and a copy of such report with the election superintendent of the county of such candidate's residence.~~"

"(e) Any person who makes contributions to, accepts contributions for, or makes expenditures on behalf of candidates, and any independent committee, shall file a registration with the commission in the same manner as is required of campaign committees prior to accepting or making contributions or expenditures. Such persons, other than independent committees, shall also file campaign contribution disclosure reports in the same places and at the same times as required of the candidates they are supporting; ~~but such persons shall not be required to file copies of campaign contribution disclosure reports with local election superintendents as is required of candidates for membership in the General Assembly.~~ The following persons shall be exempt from the foregoing registration and reporting requirements:"

SECTION 3.

Said chapter is further amended in Code Section 21-5-34.1, relating to filing campaign contribution disclosure reports electronically, by revising subsection (e) as follows:

"(e) ~~When campaign contribution disclosure reports are filed electronically as provided in subsections (a) through (d) of this Code section, the filer shall only submit to the commission a notarized affidavit certifying that the electronic filing is correct by United States mail, with adequate postage affixed.~~ The electronic filing of any campaign contribution disclosure report required under this article shall constitute an affirmation that the report is true, complete, and correct."

SECTION 4.

Said chapter is further amended in Code Section 21-5-50, relating to filing of financial disclosure statements by public officers and candidates, by revising subsection (e) as follows:

~~"(e) Where the financial disclosure statements required by paragraph (1) of subsection (a) of this Code section are filed electronically, the public officer, as that term is defined in subparagraphs (A) through (E) of paragraph (22) of Code Section 21-5-3, shall file a notarized affidavit certifying that the electronic filing is correct and no paper copy of the financial disclosure statement shall be required to be filed. The electronic filing of any financial disclosure statement required under this article shall constitute an affirmation that the statement is true, complete, and correct."~~

SECTION 5.

Said chapter is further amended by revising Code Section 21-5-51, relating to verification of financial disclosure statements, and Code Section 21-5-52, relating to mail filing of financial disclosure statements, as follows:

"21-5-51.

The financial disclosure statements required under this article shall be verified by oath or affirmation of the public officer filing the statement, such oath or affirmation to be taken before an officer authorized to administer oaths, unless filed electronically in which case the electronic filing shall constitute an affirmation that the statement is true, complete, and correct.

21-5-52.

(a) The mailing of the notarized financial disclosure affidavit by United States mail, with adequate postage affixed, within the required filing time as determined by the official United States postage date cancellation, shall be prima-facie proof of filing when the disclosure statement is not filed electronically.

(b) It shall be the duty of the commission or any other officer or body which receives for filing any document required to be filed under this chapter to maintain with the filed document a copy of the postal markings or statutory overnight delivery service markings of any envelope, package, or wrapping in which the document was delivered for filing if mailed or sent after the date such filing was due."

SECTION 6.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

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SECTION 7.

92 All laws and parts of laws in conflict with this Act are repealed.